

**REMARKS**

Claims 1-11, 14 and 15 are pending in this application. By this Amendment, claims 1, 5 and 8 are amended, and claims 14 and 15 are added. The amendments and added claims introduce no new matter. Claims 12 and 13 are canceled without prejudice to, or disclaimer of, the subject matter recited in those claims. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1-13 under 35 U.S.C. §112, second paragraph, based on the assertion that the scope of "a part of the rubber constituting a top portion of the sub block is removed to reduce the area of a upper face of the sub block" is ambiguous, and also rejects claim 5 for a lack of antecedent basis for "the grooves." Claim 5 is amended to obviate the rejection of that claim. Claim 1 is amended to obviate the rejection regarding a part of the rubber constituting a top portion of the sub block. Reconsideration and withdrawal of the rejection of claims 1-13 under 35 U.S.C. §112, second paragraph, are respectfully requested.

The Office Action rejects claims 1-4, 8-10, 12 and 13 under 35 U.S.C. §102(b) over JP-A-03-143705 (hereinafter "JP '705"); rejects claims 1-13 under 35 U.S.C. §103(a) over JP '705; rejects claims 1-12 under 35 U.S.C. §103(a) over JP-A-2000-25417 (hereinafter "JP '417") in view of U.S. Patent No. 5,088,535 to Potts et al. (hereinafter "Potts"); and rejects claims 1-7, 11 and 13 under 35 U.S.C. §103(a) over JP '417 in view of UK Patent Application GB 2 005 200 (hereinafter "GB '200") or U.S. Patent No. 6,253,815 to Kemp. These rejections are respectfully traversed.

The amendment to claim 1 obviates the rejections over JP '705. Specifically, the features of at least claim 1 regarding a bottom portion extending radially upward from the tread and having a side that maintains substantially a constant angle with respect to the radial direction, and a top portion extending radially upward from the bottom portion to an upper

face of the sub block, wherein a cross sectional area of the upper face of the sub block is less than a cross sectional area of the sub block at a radially uppermost portion of the bottom portion based on at least one of, (a) a change in the angle of the side of the sub block radially upward from the bottom portion, or (b) a depression in the upper face of the sub block, are not taught, nor can they reasonably be considered to have been suggested, by the sub block disclosed in JP '705. The sub blocks disclosed in JP '705 are formed with a continuous curve from base to top. No corresponding substantially constant angle, change in the angle of the side, or depression in the upper face of the allegedly corresponding sub blocks are evident.

Regarding the rejections based on JP '417, the Office Action's various combination with Potts, GB '200 and Kemp are unreasonable for at least the following reasons.

JP '417 depicts a specific configuration of blocks and sub blocks not anticipated, or contemplated, by any of the secondary references. Each of the secondary references teaches beveling, recessing or striating certain blocks of a tire tread. However, none of the applied prior art references teach, nor can they reasonably be considered to have suggested, beveling, recessing or striating sub blocks provided between main blocks, each sub block having a block height lower than that of the main blocks, as disclosed in JP '417. As such, it would not have been obvious to one of ordinary skill in the art to combine the secondary references with JP '417 in the manner suggested at least because the secondary references do not suggest a benefit of beveling, recessing or striating configurations of sub blocks that correspond to JP '417 or those recited in the independent claims.

The Office Action asserts that it would have been obvious to combine JP '417 with Potts because Potts suggests beveling blocks of an off road motorcycle tire so that during cornering the ground surface can drop between the blocks and improve gripping action. However, close review of Potts reveals significant differences between the tread configuration disclosed therein and that of JP '417. The blocks in Potts, such as 16 and 17,

(1) lie outside center blocks 15 and 15a, (2) are taller than the height of the center blocks 15 and 15a, and (3) form a relatively narrow trough 32 (see Figs. 1 and 3; col. 3, lines 47-52; and col. 5, lines 3-9 of Potts). This configuration does not suggest a corresponding benefit to beveling sub blocks that are (1) between central blocks, (2) of lower height than the central blocks, and (3) are widely dispersed from any peripheral blocks 18, as depicted in JP '417. It is emphasized that Potts does not teach beveling the edges of all blocks and cannot reasonably be considered to have suggested selectively beveling sub blocks with the configuration disclosed in JP '417.

Moreover, the gripping action described in Potts involves the ground surface dropping into a trough, such as 31 or 32, between the outer edge of one block and the inner edge of an adjacent block. The configuration disclosed in JP '417 would not obviously benefit from the purported beveling of sub blocks 16 because (1) there is no suggestion that the outer blocks 18 suffer from a lack of ground contact; and (2) even if the sub blocks 16 were beveled, the taller main blocks 14 would apparently interfere with any purported trough between blocks 16 and 18.

In view of the foregoing, one of ordinary skill in the art would not have been motivated to combine the beveled edges of Potts with the sub blocks of JP '417 in the manner suggested.

Similarly, the Office Action fails to provide sufficient objective evidence in the prior art to support a conclusion that one of ordinary skill would have been motivated to combine either GB '200, or Kemp, with JP '417 in the manner suggested. As discussed above, neither GB '200 or Kemp disclose beveling or striating sub blocks that correspond with those disclosed in JP '417. Thus, it would not have been obvious to one of ordinary skill in the art to selectively combine the features disclosed in GB '200 or Kemp with the sub blocks of JP '417.

Kemp is directed to an aesthetic effect achieved by applying design patterns to tires. The Office Action asserts that one of ordinary skill in the art would have been motivated to combine the "striae" 357 depicted on the stone ejectors 381 of Kemp with the sub blocks in JP '417. However, the purported aesthetic effect has nothing to do with the problems confronting the inventors of the claimed subject matter and does not provide a reasonable basis to conclude that such a modification of JP '417 would have been obvious.

GB '200 is directed to increasing the holding capability of a tire by forming recesses preferably in each of the blocks of a tire. GB '200 asserts that this provides improved braking performance. The Office Action asserts that it would have been obvious to form a recess in the sub blocks 16 of JP '417 to increase the number of edges in the tread to increase holding capability of the tire. However, there is nothing in JP '417 to suggest that it suffers from a lack of holding capability relative to the sub blocks 16 and, moreover, such a modification is contrary to at least one of the asserted objectives of JP '417, that is to ensure mud flow between the cross-direction block rows 14. Additionally, JP '417 already discloses various configurations of sub blocks to vary lateral traction and mud flow characteristics. The Office Action provides no bases for asserting that one of ordinary skill in the art would have been motivated to combine the features from GB '200 with JP '417 beyond the already disclosed configurations in JP '417. Rather, the Office Action appears to be applying impermissible hindsight reconstruction using Applicant's disclosure as a template to attempt to render obvious the subject matter of the pending claims over the combination of applied prior art references.

For at least the above reasons, the applied prior art references do not teach, nor can they reasonably be considered to have suggested, the combination of all of the features positively recited in independent claim 1. Additionally, claims 2-11 are also neither taught, nor would they have been suggested, by the applied prior art references at least for the

respective dependence of these claims, directly or indirectly, on allowable independent claim 1, as well as for the separately patentable subject matter that each of these claims recite.


Accordingly, reconsideration and withdrawal of the rejections of claims 1-11, over any combination of the applied prior art references are respectfully requested.

Added claims 14 and 15 are likewise allowable for at least their inclusion of similar features to claim 1.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-11, 14 and 15 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:  
Request for Continued Examination

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